

Whitnell Declaration, p.2 [Dkt #72.1]

- C. Mr. Garza then immediately accessed many of these files during the first two days on the job with Array, May 23 and 24.<sup>6</sup>
- D. On June 5<sup>th</sup>, two days *after* the TRO was entered and received by Mr. Garza, someone used the USB in question to access two design and design improvement files between Varco and one of Varco's suppliers.<sup>7</sup> With this information, a competitor has valuable insight into Varco's supply chain and how to reduce Varco's costs for producing the parts for Varco's proprietary Tracker.<sup>8</sup>
- E. The information Mr. Garza took from Varco is enough to reverse engineer Varco's Tracker product; identify Varco's product improvements; identify Varco's suppliers; and impair Varco's ability to patent its Tracker product in many countries around the globe.

<sup>3</sup> On this date Mr. Garza downloaded the "Task Summary and Outcomes" onto the USB. See the green highlight on Exhibit A-1. He also accessed this document after resigning. See Garza deposition excerpt page 41-44, Exhibit A-3.

<sup>4</sup> On this date Mr. Garza copied another 12 NOV files re: Tracker. See the blue highlights on Exhibit A-1. He did this after receiving a verbal offer from Array and finishing his Array interviews on April 19. See Garza deposition excerpt page 35, Exhibit A-2 attached.

<sup>5</sup> See Exhibit A-4. This provisional patent application was contained in an email from Varco's outside patent counsel. This highly sensitive attorney-client communication containing the provisional patent application materials was the email Mr. Garza forwarded to himself. This theft was completely unauthorized and took place after Mr. Garza resigned from Varco.

<sup>6</sup> See the grey highlights on Exhibit A-5 attached, a copy of Exhibit A-1 sorted by last access date. On May 24 he also received what appears to be a Tracker related email from Adam Kim, an employee with Varco and who also worked on the Tracker system.

<sup>7</sup> See the orange highlights on Exhibit A-5. The file entitled "NOV PP (002)" is an overview of a certain supplier's process to support Varco. It is confidential between Varco and the supplier under an NDA. The other file accessed on June 5<sup>th</sup> is very specific to changes that supplier proposed to help Varco make the pieces cheaper and faster to produce. Again covered under an NDA, this is much more damaging in terms of letting Array know about Varco's supply chain, how to produce the parts, how to reduce cost on them, etc.

<sup>8</sup> These two documents constitute highly confidential design and design improvement files between Varco and a supplier – thus compromising not only the design but Varco's supply chain as well.

Excerpt of Exhibit A-5 to Varco's Motion. [Dkt #72].

F10152-1-JT2-E004.E01\Partition @ 32\Root\BOOKS\INSPECS\

STEEL\_CONSTRUCTION\_Manual\_141116

F10152-1-JT2-E003.E01\Partition @ 32\Root\

NOV Design Considerations - Final

F10152-1-JT2-E003.E01\Partition @ 32\Root\

NOV\_PP (002).pptx

Email from John Myers of Chorus Consulting to Counsel, identifying respective flashdrives:

**From:** John Myers <john.myers@chorusconsulting.net>  
**Sent:** Tuesday, August 23, 2022 7:15 AM  
**To:** Josh Redelman  
**Cc:** Caudill, Chris; Momanaee, Audrey F.; Stuart Lapp; Bret Davis; brian.baker@stacybakerlaw.com; Trent, Jared; Deluna, Lisa; John-Pierre Dufour; Doris Little  
**Subject:** Re: Project: 22071754 - NOV v Garza

**[External Email] Please use caution.**

Per the Protocol, paragraph 9 - USB electronic storage devices:

9.a.i. a grey/blue and silver USB with slide-on lid ("has Stress Engineering Services" label)  
Evidence Number as reported in the device acquisition log accompanying forensic  
image: F10152-1-JT2-E002

9.a.ii a black and metallic flip drive (has "PROGRESSION [www.progressiontech.com](http://www.progressiontech.com)" label)  
Evidence Number as reported in the device acquisition log accompanying forensic  
image: F10152-1-JT2-E003

9.a.iii a black and dark grey USB with a slide on lid (the Subject Device")  
Evidence Number as reported in the device acquisition log accompanying forensic image:  
F10152-1-JT2-E004